

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
September 21, 2020**

Chairman Tim Doherty called the meeting to order at approximately 7:00pm.

The following notice was read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*regarding access to the meeting*)

Secretary Cindy Kirkpatrick called roll:

PRESENT ROLL CALL: Tim Doherty – present
 Jim Bergeron – present
 Cindy Kirkpatrick - present
 Danielle Masse-Quinn – present
 Alternate Bruce Bilapka – present
 Alternate Paddy Culbert – present
 Alternate Mike Sherman – present
 Alternate Selectmen Representative Hal Lynde – present via Zoom (joined after
 the meeting commenced.)
 Planning Director Jeff Gowan – present

Via Telecommunication:

Roger Montbleau – present via telephone

Paul Dadak – present via Zoom; no one in the room

Alternate Samuel Thomas –present via Zoom; no one in the room

ABSENT/

NOT PARTICIPATING: Selectmen Representative Kevin Cote
 Alternate Richard Olsen

PLEDGE OF ALLEGIANCE

MEETING MINUTES

August 17, 2020

MOTION: (Masse-Quinn/Dadak) To approve the August 17, 2020 meeting minutes as amended.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick - Yes
 Ms. Masse-Quinn – Yes
 Mr. Dadak – Yes
 Mr. Montbleau- abstained

(5-0-1) The motion carried. Mr. Montbleau abstained.

OLD BUSINESS

CASE #PL2020-00015**Map 30 Lot 102**

MCARTHUR, Joseph H. & Johnna - 61 Dutton Road - Proposed 2-Lot Subdivision for construction of duplexes on both lots and requesting to convert these structures into Condexes.

Representing the applicant was Joseph Maynard of Benchmark Engineering. He summarized the changes that had been made since the plan was last in front of the Board. At that time, they had an irregular shaped lot line from the first lot to the rear lot; the Board asked for a more uniform lot shape. The plan has been modified to show a more rectangular shape. The driveway to the rear lot starts on its own lot and will go into an easement onto the neighboring lot and then enter back onto its own property the approximate area of the wetland crossing. The rest of the plan remains the same. With the modifications, the front lot became approximately 10,000SF larger than the last plan; however, both lots meet the requirements for a duplex/condex development.

Mr. Doherty asked if Board members and/or alternates had any questions. No one spoke up.

Mr. Doherty felt the lot looked better than the previous submission. He asked for comments regarding the culvert that goes over the driveway crossing. Mr. Maynard stated they had been working with the New Hampshire Wetlands Board regarding the crossing. They also went in front of the Conservation Commission and gained their support for the crossing and impacts. The crossing itself is a 36inch culvert with the bottom third being buried. The primary reason for that was Fish and Game hit upon species in the area when an extensive study was done in connection with the power lines. Fish and Game asked them to oversize the culvert and make it have a natural bottom. The second thing going on with the wetland was the Natural Heritage Inventory ('NHI') which identified some plant species (in the power line study) that were within a quarter mile of the site. They were asked to conduct a study to determine if any of those species were in the area of the two lots and crossing. The wetland soil scientist conducted the studies (on site during three separate occasions) and found nothing on any part of the property including the power lines that bisect the lot; the report of such was sent to the State. Mr. Maynard anticipated the dredge and fill would be approved shortly.

Mr. Doherty questioned if there were waivers other than for lot shape, that was now taken care of (through plan revision). Mr. Maynard answered yes; 1) site specific soil mapping, 2) underground utilities and 3) well requirements (existing well serving the house on the front lot goes into the right-of-way/setback).

MOTION: (Dadak/Bergeron) To accept for consideration a waiver to Section 202-3,B,4 – site specific soils mapping.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes

(6-0-0) The motion carried.

MOTION: (Bergeron/Dadak) To accept for consideration a waiver to Section 203-7,A – underground utility.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes

Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes

(6-0-0) The motion carried.

Mr. Lynde joined the meeting via Zoom.

MOTION: (Kirkpatrick/Masse-Quinn) To accept for consideration a waiver to Section 203-1,B,4 – well requirement.

ROLL CALL VOTE:

Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

Regarding driveway easement on Lot A, Mr. Bergeron asked if there was enough soil on the west side of the driveway to meet the requirements. Mr. Maynard answered yes. He noted the lot had almost two acres completely outside of the Wetland Conservation District ('WCD') buffer. The new area of the lot is 2.2 acres in size (95,992SF); the driveway easement still leaves 77,800SF (+/-) of upland soils outside of the easement for the lot to maintain itself as a duplex. Mr. Bergeron understood the applicant discussed the culvert crossing with the Conservation Commission and confirmed they agreed with the proposal. Mr. Maynard answered yes; the Commission forwarded a letter to the Board dated June 10, 2020. Mr. Bergeron asked if there would be a driveway easement through Lot A. Mr. Maynard replied a portion of the driveway would go through an easement on Lot A. Mr. Bergeron confirmed Lot B would be totally responsible for the driveway and have something recorded to allow access and maintenance. Mr. Maynard answered yes. He explained the easement width varied through the property. On the first stretch (off Dutton Road), he extended the easement 10ft. over the lot line to be able to maintain winter maintenance. There will be private documents that can be reviewed by the Town prior to the plans being signed and recorded. Mr. Bergeron didn't want the Board to create future conflict between the owners of Lot A and B. Mr. Gowan said if/when the Board is ready to approve the plan, he recommended the following conditions: 1) driveway easement be reviewed and found satisfactory by counsel and 2) the culvert installation be overseen by Keach Nordstrom's inspector.

Mr. Gowan asked where the proposed well (new lot in the back) would be located. Mr. Maynard replied he met all the rules; it was located outside the setbacks. He noted it was shown on the plan layer that got turned off when he modified the lot line. He said it will be on the plan version to be approved by the Board.

Mr. Doherty noted the Board received a letter from the Conservation Commission dated June 23, 2020 that indicated their agreement with the plan showing the wetland crossing by a 6-0 vote. Mr. Bergeron stated he would rely on the Commission's favorable recommendation.

Mr. Doherty questioned if the Board needed to take action regarding the wetland crossing to give the applicant permission to do so. Mr. Gowan replied the Board had authority inside a WCD and should vote regarding a Special Permit for the area with the WCD crossing.

Mr. Dadak understood the back lot would have a duplex and wanted to know if the front (existing) structure would also be converted to a duplex. Mr. Maynard answered yes; the front structure had a planned addition to make it a duplex with condex ownership.

Mr. Lynde wanted to know the frontage. Mr. Maynard replied the existing lot contained a little over 200ft. the new lot has almost 300ft.

Mr. Gowan asked Mr. Maynard if he would come back to the Board later with the condex piece or if it was part of the current discussion. Mr. Maynard replied he included it with the current application so he wouldn't have to return. Mr. Gowan said when the condex takes place there will need to be some documents that afford both parties of the condex the kinds of controls over things like shared driveways. He understood one easement would be for the proposed driveway to access the back lot (through Lot A). He added because of the condex, there will also need to be language that looked out for both future owners.

Mr. Doherty opened the discussion to public input. No one came forward. The discussion was closed to the public and brought back to the Board. The Board then addressed the waiver requests as follows:

MOTION: (Montbleau/Dadak) To approve the waiver to Section 202-3,B,4 – site specific soils mapping.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

MOTION: (Montbleau/Masse-Quinn) To approve the waiver to Section 203-7,A – underground utility.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(6-0-0) The motion carried.

MOTION: (Masse-Quinn/Dadak) To approve the waiver to Section 203-1,B,4 – well requirement.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes

Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

MOTION: (Bergeron/Kirkpatrick) To approve a Special Permit for wetlands impact.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

Mr. Gowan read aloud the suggested conditions for approval:

- 1) Driveway easement documents to be reviewed by Town Counsel and found satisfactory.
- 2) Keach Nordstrom inspector oversight for culvert installation based on sizing requirement from Conservation Commission.

Mr. Doherty confirmed the Board members understood the stated conditions. There were no questions raised.

MOTION: (Montbleau/Dadak) To approve the plan with conditions read aloud by Mr. Gowan.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Dadak – Yes
Mr. Montbleau- Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

Mr. Gowan couldn't recall the Board ever approving a condex when the structures weren't constructed; however, he didn't think it would be a problem as long as any vote to approve included a condition for counsel to review the documents.

Mr. Maynard stated he had spoken to his client. It is commonplace to drill one well and put two separate pumps so each unit could have their own electric bill. He typically sets units up so each will have their own tank; in some cases, he does individual systems for each unit. Everything will be spelled out in the condex documents.

Mr. Doherty didn't appreciate a request to approve the plan with a request to approve condex documents as part of it. He said it usually doesn't take long to come back in front of the Board to 'condex' units. He didn't want to start a precedent. Mr. Culbert and Mr. Bergeron agreed. Ms. Kirkpatrick questioned if the applicant would come back in front of the Board after the units were built. Mr. Doherty answered yes; it was a simple procedure for the applicant to come back in front of the Board. Mr. Montbleau and Mr. Dadak also agreed with Mr. Doherty and didn't want to set a precedent.

Mr. Doherty informed Mr. Maynard he would have to come back at the appropriate time.

CASE #PL2020-00002

Map 6 Lot 4-175-1

PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road – Proposed 3-Lot Subdivision consisting of duplex style units

The applicant requested a continuance to the November 2, 2020 meeting.

The case was date specified to November 2, 2020.

Case #PL2020-00012

Map 24 Lot 12-204

LOOSIGIAN, Peter & Lisa –8 Foreman Lane –Proposed 4 Lot Subdivision

The applicant requested a continuance to the October 5, 2020 meeting.

The case was date specified to October 5, 2020.

NEW BUSINESS

CASE #PL2020-00018

Map 22 Lot 8-117

RGA LAND HOLDINGS, LLC - 13 Main Street - Non-binding discussion of proposed 60ft. x 80ft. commercial building & construction of two 3-unit townhouse style residential homes within the Mixed-Use Zoning Overlay District ('MUZD')

Representing the applicant was Joseph Maynard of Benchmark Engineering. He explained the proposed property fell within the MUZD (near the Town center) and contained approximately 2.5 acres. There are no wetlands on the property; the soils are sand with deep water tables. The lot is currently undeveloped and has a driveway that accesses the senior housing (in the rear of the property) as well as an adjacent property recently approved by the Planning Board that is being redeveloped (Prudhomme). He added Pennichuck Water existed along Main Street and along the driveway easement. They will look to tie into the water line.

Although the discussion was preliminary/nonbinding, Mr. Gowan pointed out the applicant had notified abutters and suggested the list be read into the record. Mr. Bergeron recused himself from the discussion as he is a 'blood relative' to one of the principals to the application. Mr. Doherty appointed Mr. Bilapka to vote.

Mr. Gowan read the list of abutters aloud. There were no persons present or via telecommunication who hadn't been notified who asserted standing in the case.

Mr. Maynard stated they will be looking for a conditional use permit. He said the building that will sit closest to Main Street would be an office/retail type building of approximately 4,800SF; there may be potential for more

space as it is suited for a walk-out basement (on the east side of the building). There will be a parking lot designed for approximately twenty cars to service the building. Behind the parking lot they will be looking to develop two 3-unit townhouse-style buildings; each having two bedrooms. The plan is to tie into Pennichuck Water for all the units. Mr. Maynard said each residential unit will have their own septic system; the commercial building will also have its own septic system. Under the conditional use standards, he understood there were a number of items they would need to meet. Based on the test pits conducted on the property and State calculations, the land can support approximately 2,855-2,865 gallons per day. The two 3-unit buildings will use about 1,800, leaving over 1,000 to go to the commercial building. He described the types of uses that could fit into the commercial building; the highest use could be a restaurant (with 40 seats). Mr. Maynard stated preliminary drainage calculations had been done. They feel they have ample room to put proper drainage control measures on the property. The current proposal shows an underground infiltration system under the parking lot of the commercial side. He said they were very fortunate this section of Town has deep water tables and good perc rates. Mr. Maynard said they looked for connectivity to sidewalks and noted there was an existing sidewalk that ran up the side of the driveway easement of the Beaver Brook Housing and tied into the sidewalk on Main Street. The required 15ft. setback will be met by all the buildings. Maximum height of the structures will be under 35ft. The residential units will have at least two driveways for cars, some will be deeper and fit more. The applicant is contemplating floor plans to include one-car garages. Mr. Maynard asked for the Board's input so they could incorporate those things as they move forward with the plan.

Mr. Dadak questioned if the responsibility for the driveway was through the housing associates. It was Mr. Maynard's understanding that the existing housing authority maintained the driveway. Mr. Dadak asked if there would need to be a change in the agreement if the plan came to fruition. Mr. Maynard understood the burden of any maintenance for the driveway would fall on the housing in the rear (housing authority) primarily because that housing was somewhat landlocked without the driveway.

Mr. Lynde said the buildings in the area had a nice aesthetical look and wanted to know the proposed plan to fit in with the other buildings. Mr. Maynard noted his client had documents prepared for the Board's review for what the buildings would possibly look like. They were trying to keep a similar architecture/appearance to the adjacent structures.

Mr. Doherty stated the MUZD doesn't allow for multiple detached dwelling units on the same piece of property. He didn't hear a proposal to subdivide the land. Mr. Maynard didn't see that language in the Ordinance. He said he read about the Special Permit and believed under the Special Permit the Board had the ability to grant their request. Mr. Doherty referenced a project on Windham Road that wasn't allowed because it included detached units. He explained there was a table of allowed uses within the Ordinance; if something wasn't spelled out it wasn't allowed. He said they don't allow townhouses within the MUZD (per Town vote to remove that language). He added the Ordinance wasn't set up as a straight ordinance; it was an overlay district that maintained the underlying zoning per Section 307-9. The underlying residential district in Town doesn't allow more than one building for dwelling purposes on one lot.

Mr. Dadak commented on a project on Windham Road just north of the American Legion that he thought a multiple-unit development was approved. Mr. Doherty replied that project (on Windham Road) contained one building. He said the MUZD allowed mixed use buildings and commercial buildings; however, there could only be one residential building (not townhouse style).

Mr. Maynard questioned if he could combine the residential into one building. Mr. Doherty replied it could not be townhouse-style. He said professional-use condominiums were allowed in the MUZD, but not how the units were presently depicted on the plan.

Ms. Masse-Quinn agreed with everything Mr. Doherty stated. Mr. Dadak said Mr. Doherty's description was clear.

Mr. Gowan was hearing the style of the multi-unit home was the Board's concern. Mr. Doherty asked how long ago the Town removed townhouses from the ordinance. Mr. Gowan believed the ordinance was last amended in 2016 (March 8, 2016 – Article #2). Mr. Doherty believed the change was made so applicants would stop trying to build townhouses in the center of Town. He reiterated there could not be multiple buildings for dwelling purposes.

Mr. Doherty wanted to know if any part of the property were with 250ft. of Beaver Brook, which would require the applicant to address the shoreline. Mr. Maynard replied from the thread of the brook they were outside 250ft. He said there was some flood plain along the lower portion of the site; however, he was outside the limits of the brook itself.

PUBLIC INPUT

Mr. Doherty acknowledged the fact that abutters were notified. He opened the discussion to public input.

Ms. Donna Prudhomme (via Zoom) stated they had no input.

Mr. Doherty brought the discussion back to the Board.

Mr. Maynard thanked the Board for their help and assistance.

Mr. Bergeron rejoined the Board.

DISCUSSION

Mr. Gowan wanted to know how long the Board would conduct meetings via Zoom.

Mr. Culbert believed the Board should continue offering access to the meeting via Zoom. Ms. Masse-Quinn agreed. There was no objection to continuing to post and conduct meetings via Zoom.

Mr. Thomas confirmed the Board members received the report relative to the Capital Improvement Plan ('CIP') presentations as well as the report relative to the Master Plan he and Mr. Gowan were working on. Mr. Doherty asked him to provide an update. Mr. Thomas stated subsequent to the plan being approved by the Board (August 3rd), presentations of the CIP were given to the Board of Selectmen and the Budget Committee. He stated their task with the CIP had been completed. Mr. Thomas then informed he would work with Mr. Gowan to review the Master Plan and identify the key opportunities (both long-term and short-term) and then report back to the Board where they would focus their time/effort. After which they will make decisions about forming a committee to move the process forward.

Mr. Doherty stepped away briefly; Mr. Bergeron took the chair and thanked Mr. Thomas.

Mr. Montbleau inquired if the Master Plan preparations (with Mr. Thomas and Mr. Gowan) included a discussion about meeting with the Selectmen or seeking funding to have a professional master plan counselor to assist the Town in producing a master plan. Mr. Thomas replied not at this time. He stated they would create a timeline with the initial intent to review the master plan and identify the areas that they collectively felt were areas for both short-term and long-term opportunities. Once that is done, they will bring a report back to the Board for discussion; based on that they will take the next steps to find a consultant and speak with the Selectmen. He said at this point he and Mr. Gowan had made the judgement to review the current opportunities. He noted he read the master plan in preparation of meeting with Mr. Gowan in early October.

Mr. Doherty returned to the Board.

Mr. Montbleau asked Mr. Gowan if he had contacted anyone or spoke with the Selectmen to create an RFP for a consultant to work on the plan. Mr. Gowan replied he had not and did not intend to until the Board weighs in to come up with a plan. He said it would not be done in the present budget cycle. He noted the 2020 Census data would be completed and available mid-late 2021. The next budget cycle begins during the late summer of 2021 which would be the time to proceed with an RFP and get a consultant to help rework the plan. He said they wanted to come up with a game plan and first run it by the Board. Mr. Gowan noted the plan contained some problematic areas and other areas that were not. He wanted everyone to work on an action plan going forward. Mr. Montbleau agreed. From being involved with the Master Plan years ago he felt they would 'spin their wheels' for nothing unless they got a professional involved in the process which required experience and understanding of the data, statistics and analysis. Through his experience, Mr. Montbleau believed the process was beyond layman's work but agreed participation (by the Town) was paramount to move them in the right direction. He understood the proposed plan and highly recommended having a professional guide them through the process. He said if they were going to go through updating the plan, they should do it right by looking for funding to hire an experienced consultant to work with a committee and the public.

Mr. Gowan had no argument with Mr. Montbleau's comments; however, before advertising an RFP to do a master plan, he felt it would be good for the Board to have an understanding of the plan and talk through the most daunting pieces. He stated the Nashua Regional Planning Commission ('NRPC') will be involved as a lot of the date comes to the Town from them.

Mr. Lynde questioned if the 2021 budget contained any proposed funding. Mr. Gowan answered no. Mr. Lynde said that meant they wouldn't get into it until 2022. Mr. Gowan said they would need to issue an RFP early in 2021 to determine the numbers for the Board to discuss and turn into a budget proposal for the Selectmen to consider.

Mr. Doherty stated Mr. Thomas had already begun to review the plan and felt by continuing it would save taxpayer money. Mr. Thomas said the intent was for him and Mr. Gowan to review the plan and put together a synopsis of the opportunities for the short and long term. At this point there was no money being spent, he was simply offering his time to review the plan. Mr. Bergeron said they liked to have people involved to direct consultants as to how the Town wants to construct its future. He said the CIP reflected those things (short and long term) and it took involvement from people to do so. The hiring portion was to help and work for the Town in the endeavor to make the Town's volunteers job easier. He believed Mr. Montbleau was trying to assist in the labor and mentioned the Zoning subcommittee had come up against the same understanding that they didn't have enough census data for some of the long-term planning recommendations the Board may want to make for future warrant articles. He told Mr. Thomas the Board needed him. Mr. Doherty pointed out the Town didn't have a Water Commission or Agricultural Commission during the last Master Plan update, which should be included in the new draft. Mr. Gowan summarized the approach that would be taken during the current review and added the Planning Board was the body that approves the Master Plan; it was not put on the Town ballot.

Mr. Culbert stated he had worked on the past Master Plan. During those updates they encouraged Town input through multiple surveys. Mr. Gowan said they could do so again during this process. Mr. Bergeron asked Mr. Thomas if he found surveys (from the people in Town) helpful. Mr. Thomas answered yes. Mr. Bergeron stated he would be in favor of seeking opinions through surveys as well.

Mr. Doherty asked Mr. Gowan to send the members a copy of the letter of deficiency recently received (September 21st). Mr. Gowan stated he would do so. He suggested the Board discuss the letter at the time the case is in front of the Board once abutter have been notified and the applicant is present. He noted the Conservation Commission had already received a copy.

NON-PUBLIC SESSION – If requested in accordance with RSA91-A:3

DATE SPECIFIED CASE(S)

October 5, 2020

Case #PL2020-00012 - Map 24 Lot 12-204 - LOOSIGIAN, Peter& Lisa –8 Foreman Lane

November 2, 2020

CASE #PL2020-00002 - Map 6 Lot 4-175-1 - PAWTUCKET ROAD LANDHOLDINGS, LLC - 32 A & B Valley Hill Road

ADJOURN

MOTION: (Masse-Quinn/Dadak) To adjourn the meeting.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick - Yes
Ms. Masse-Quinn – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Mr. Lynde - Yes

(7-0-0) The motion carried.

The meeting was adjourned at 8:48pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary